

19<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE  
STATE OF LOUISIANA

CASE NO.: \_\_\_\_\_ DIVISION " \_\_\_\_\_ "

DARLA KEYS, JILL CHERAMIE AS MOTHER AND EXECUTRIX ON BEHALF OF  
KORTE CHERAMIE, AND DANIEL WADDOUNS

VERSUS

U.S. XPRESS, INC., JOHN DOE, AND ALLSTATE FIRE AND CASUALTY INSURANCE  
COMPANY

FILED: \_\_\_\_\_  
DEPUTY CLERK

**PETITION FOR DAMAGES**

NOW INTO COURT, through undersigned counsel, comes Plaintiffs Darla Keys, Jill Cheramie on behalf of Korte Cheramie, and Daniel Waddoups who petition this Court for damages and respectfully allege as follows:

1.

Plaintiff Darla Keys is a person of the full age of majority and a Louisiana resident domiciled in Orleans Parish, Louisiana.

2.

At the time of the accident, Plaintiff Korte Cheramie was a person of the full age of majority and a Louisiana resident domiciled in Orleans Parish, Louisiana. Plaintiff Korte Cheramie subsequently died, and is represented herein by his next of kin Jill Cheramie, his mother and, on information and belief, the Executrix of the Succession of Korte Cheramie.

3.

Plaintiff Jill Cheramie is a person of the full age of majority and a Louisiana resident, domiciled in Orleans Parish, Louisiana.

4.

Plaintiff Daniel Waddoups is a person of the full age of majority and a Texas resident domiciled in Tarrant County.



5.

Made Defendant herein is U.S. Xpress, Inc., a foreign corporation domiciled in the state of Nevada with a registered office in the Parish of East Baton Rouge, Louisiana.

6.

Made Defendant herein is John Doe, a person of the full age of majority who was an employed driver of Defendant U.S. Xpress, Inc. His domicile is unknown at this time.

7.

The accident made subject of this Petition occurred in Gregg County, Texas.

8.

Venue is proper in this Court pursuant to La. C.C.P. art. 42 because Defendant is a foreign corporation with a registered office in Baton Rouge.

9.

On April 26, 2016, Plaintiff Daniel Waddoups was driving his motor vehicle east on Interstate 20 in Gregg County, Texas.

10.

Plaintiff Korte Cheramie was driving a motor vehicle, along with Darla Keys as passenger directly behind Mr. Waddoups.

11.

Defendant John Doe was driving an eighteen-wheeler owned by Defendant U.S. Xpress directly behind Plaintiffs Keys and Cheramie.

12.

Both Mr. Waddoups and Mr. Cheramie slowed their vehicles as traffic stopped due to an accident. John Doe failed to slow down and struck Mr. Cheramie's vehicle from behind pushing him into the back of Mr. Waddoups vehicle.

13.

Plaintiffs pulled their vehicles to the right shoulder of the road, and John Doe told Mr. Cheramie and Ms. Keys that he would wait for them at the next exit to exchange information.

14.

John Doe failed to arrive at the next exit.

15.

The above described accident was caused solely by the negligence of John Doe—U.S. Xpress' employee who was acting within the course and scope of employment—which is more particularly described as follows:

- a. Failing to maintain proper lookout;
- b. Failing to see what should have been seen;
- c. Failing to yield;
- d. Careless operation of a motor vehicle; and
- e. Other acts of negligence.

16.

As a result of the impact, Plaintiff Keys suffered multiple and serious injuries affecting her neck, shoulder, back and right knee. She was diagnosed with aggravation of chronic back pain.

17.

As a result of the impact, Plaintiff Cheramie suffered radiating pain. He was diagnosed with soft tissue injuries, injuries to the spinal discs and muscle spasms. Ultimately, Cheramie died.

18.

As a result of the impact, Plaintiff Waddoups suffered damage to his vehicle.

19.

Plaintiffs Keys and Cheramie are entitled to recover damages their physical pain and suffering, mental pain and suffering, medical expenses, past, present, and future, and permanent injury.

20.

Plaintiffs Keys and Cheramie's damages are each in excess of \$50,000.00 exclusive of cost and interest.

21.

Plaintiff Waddoups is entitled to recover damages to his vehicle, all costs of repair, and rental car reimbursement while his vehicle is being repaired.

22.

At all relevant times, U.S. Xpress maintained a policy of self-insurance under which the negligent acts of their employee, John Doe, are covered.

23.

At all relevant times, Allstate Fire and Casualty Insurance Company issued a valid and outstanding policy of underinsured motorist protection in favor of Plaintiffs Darla Keys and Korte Cheramie under which said policy Allstate Fire and Casualty Insurance Company has agreed to pay for any and all claims for damages by the negligence of an underinsured motorist as a result of a motor vehicle accident. Accordingly, Plaintiffs have a right of direct action against Allstate Fire and Casualty Insurance Company as their underinsured motorist carrier.

WHEREFORE, Plaintiffs pray that Defendants be duly cited and served with a copy of the Petition and that after due proceedings are had there be judgment rendered herein in favor of Plaintiffs Darla Keys, Jill Cheramie on behalf of Korte Cheramie, and Daniel Waddoups, and against Defendants U.S. Xpress, Inc. and John Doe in an amount sufficient to adequately compensate them for their damages together with legal interest thereon from the date of judicial demand until paid, for all costs of this suit, for penalties and attorney's fees provided by La. R.S. §§ 22:1892, 22:1973 and for all other general and equitable relief deemed appropriate by this Court. Plaintiffs request a jury trial on all issues triable by jury.

Dated: January 11, 2017

Respectfully submitted:

QUINN ALSTERBERG, LLC

JULIE QUINN (#21923)

JUSTIN E. ALSTERBERG (#31015)

855 Baronne Street

New Orleans, Louisiana 70113

Telephone: (504) 522-5607

Facsimile: (504) 302-9360

Counsel for Darla Keys, Korte Cheramie,  
and Daniel Waddoups

FILED

APR 25 2017

*DeLay Harkin*  
DEPUTY CLERK OF COURT

<b>PLEASE SERVE:</b>  U.S. Xpress, Inc. Through its Registered Agent Corporation Service Company 501 Louisiana Ave. Baton Rouge, LA 70802	<b>PLEASE SERVE:</b>  Allstate Fire and Casualty Insurance Company Through the LA Secretary of State 8585 Archives Avenue Baton Rouge, LA 70809
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